

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5920 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PRATAPBHAI SINDHBHAI GOHIL

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Petitioner
MR MUKESH PATEL for Respondent No. 1
None present for other Respondents
MR NK MAJMUDAR for Interveners

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/02/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The learned counsel for respondent No.1, Shri Mukesh Patel, joined by Shri N.K. Majumdar for interveners made a statement that the petitioner who has been elected Sarpanch of Tavera Gram Panchayat on 24th

March 1992 is going to complete his tenure within few days. It has next been contended that election programme of Gram Panchayats has already been notified. In view of this fact, the learned counsel for respondent contended that this Special Civil Application has become infructuous.

3. This petition has come up for hearing on 26th February 1997 and the counsel for respondent on the said date stated that this writ petition has become infructuous for the reasons stated above. On this, the learned counsel for petitioner, Mrs. Ketty Mehta has prayed for two days' time to take instructions from her client. Mrs. Mehta made a statement today that she had sent a telegram to the petitioner but he has not responded and as such, she is not in a position to controvert the statements made by learned counsel for respondent.

4. I have gone through the contents of Special Civil Application also. In this Special Civil Application, the petitioner has challenged the Notification dated 5th August 1992, annexure 'B' and the order dated 1.8.92, annexure 'C', under which the Administrator has been appointed of the two Gram Panchayats. Under the Notification dated 5th August 1992, annexure 'B' on record, in place of Tavera Gram Panchayat of Taluka Bharuch, two Gram Panchayats, namely Tavera Gram Panchayat and New Tavera Gram Panchayat, have been formed.

5. The learned counsel for the petitioner has not made any submissions but made a statement that she is not in a position to controvert the statements aforesaid for want of instructions from the petitioner, which she sought. Taking into consideration the totality of the facts of the case as well as the fact that under the Notification dated 5th August 1992, two Gram Panchayats in place of one have been constituted and the petitioner is going to complete his tenure as Sarpanch of the said Gram Panchayat, and also the fact that annexure 'C' was not given effect, this writ petition has become infructuous. Nothing survives to be decided in the Special Civil Application now.

6. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. However, interim relief granted by the Court shall continue till new Gram Panchayats are being formed after election. No order as to costs.

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(sunil)